

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Philip E. Eggers, et al.

Date Filed: Herewith

For: Electrosurgical Generator

COMMISSIONER FOR PATENTS  
P. O. Box 1450  
Alexandria, VA 22313-1450

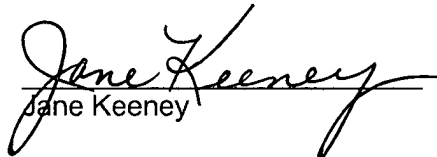


CERTIFICATE OF MAILING BY EXPRESS MAIL

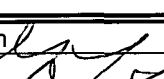
"Express Mail" mailing label number EV 086146963 US

Date of Deposit: August 1, 2003

I hereby certify that this continuation-in-part application with drawings, declaration/power of attorney, data sheet, assignment with recordation forms, and a check in the amount of \$853.00 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above, addressed to: Mail Drop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

  
Jane Keeney

Encs.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>		<b>Attorney Docket No.</b> NET 2-040-3  <b>First Inventor</b> Philip E. Eggers  <b>Title</b> Electrosurgical Generator  <b>Express Mail Label No.</b> EV 086146963 US			
<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents.</small>		<b>ADDRESS TO:</b> Commissioner for Patents Mail Stop Patent Application P.O. Box 1450 Alexandria VA 22313-1450			
<div style="display: flex; justify-content: space-between;"><div style="width: 48%;"><p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original and a duplicate for fee processing)</small></p><p>2. <input checked="" type="checkbox"/> Applicant claims small entity status. <small>See 37 CFR 1.27.</small></p><p>3. <input checked="" type="checkbox"/> Specification <span style="float: right;">[Total Pages <span style="border: 1px solid black; padding: 0 10px;">77</span>]</span> <small>(preferred arrangement set forth below)</small> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R &amp; D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure</p><p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">[Total Sheets <span style="border: 1px solid black; padding: 0 10px;">38</span>]</span></p><p>5. Oath or Declaration <span style="float: right;">[Total Sheets <span style="border: 1px solid black; padding: 0 10px;">115</span>]</span> a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 18 completed)</small> i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <small>Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></p><p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p></div><div style="width: 48%;"><p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p><p>8. Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small> a. <input type="checkbox"/> Computer Reader Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies</p></div></div>					
<b>ACCOMPANYING APPLICATION PARTS</b>					
<p>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <span style="float: right;"><input type="checkbox"/> Power of Attorney</span> <small>(when there is an assignee)</small></p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure <span style="float: right;"><input type="checkbox"/> Copies of IDS Citations</span> <small>Statement (IDS)/PTO-1499</small></p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input type="checkbox"/> Other: .....</p>					
<p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:</p> <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Continuation</div><div><input type="checkbox"/> Divisional</div><div><input checked="" type="checkbox"/> Continuation-in-part (CIP)</div><div>of prior application No.: <u>09/904,412</u></div></div> <p>Prior application information: Examiner <u>none assigned to date</u> Art Unit: <u>3736</u></p> <p>For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p>					
<b>19. CORRESPONDENCE ADDRESS</b>					
<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Customer Number or Bar Code Label <span style="border: 1px solid black; padding: 2px 20px;">(Insert Customer No. or Attach bar code label here)</span></div><div>OR <input type="checkbox"/> Correspondence address below</div></div>					
Name	Mueller and Smith, LPA				
Address	7700 Rivers Edge Drive				
City	Columbus	State	OH	Zip Code	OH
Country	US	Telephone	614-436-0600	Fax	614-436-0057
Name (Print/Type)	Gerald L. Smith		Registration No. (Attorney/Agent)	22,009	
Signature			Date	08/01/03	

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

22313 U.S. PTO



05909 U.S. PTO  
08/01/03

PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$ ) 853.00

Compleat if Kn wn

Application Number  
Filing Date Herewith  
First Named Inventor Philip E. Eggers  
Examiner Name  
Group Art Unit  
Attorney Docket No. NET 2-040-3

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 13-4830  
Deposit Account Name Mueller and Smith, LPA

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	201	740	370	Utility filing fee	375.00
106	206	330	165	Design filing fee	
107	207	510	255	Plant filing fee	
108	208	740	370	Reissue filing fee	
114	214	160	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 375.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 64 -20\*\* = 44 X 9.00 = 396.00  
Independent Claims 4 -3\*\* = 1 X 42.00 = 42.00  
Multiple Dependent

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103	203	18	9	Claims in excess of 20	
102	202	84	42	Independent claims in excess of 3	
104	204	280	140	Multiple dependent claim, if not paid	
109	209	84	42	** Reissue independent claims over original patent	
110	210	18	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 438.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	205	130 65 Surcharge - late filing fee or oath	
127	227	50 25 Surcharge - late provisional filing fee or cover sheet	
139	239	130 130 Non-English specification	
147	247	2,520 2,520 For filing a request for <i>ex parte</i> reexamination	
112	212	920* 920* Requesting publication of SIR prior to Examiner action	
113	213	1,840* 1,840* Requesting publication of SIR after Examiner action	
115	215	110 55 Extension for reply within first month	
116	216	400 200 Extension for reply within second month	
117	217	920 460 Extension for reply within third month	
118	218	1,440 720 Extension for reply within fourth month	
128	228	1,960 980 Extension for reply within fifth month	
119	219	320 160 Notice of Appeal	
120	220	320 160 Filing a brief in support of an appeal	
121	221	280 140 Request for oral hearing	
138	238	1,510 1,510 Petition to institute a public use proceeding	
140	240	110 55 Petition to revive -unavoidable	
141	241	1,280 640 Petition to revive -unintentional	
142	242	1,280 640 Utility issue fee (or reissue)	
143	243	460 230 Design issue fee	
144	244	620 310 Plant issue fee	
122	222	130 130 Petitions to the Commissioner	
123	223	50 50 Processing fee under 37 CFR 1.17(q)	
126	226	180 180 Submission of Information Disclosure Stmt	
581	2581	40 40 Recording each patent assignment per property (times number of properties)	40.00
146	246	740 370 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	249	740 370 For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	740 370 Request for Continued Examination (RCE)	
169	269	900 900 Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ ) 40.00

## SUBMITTED BY

Name (Print/Type) Gerald L. Smith Registration No. 22,009 Telephone (614) 436-0600  
Signature Date August 01, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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